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BEFORE THE  
STRUCTURAL PEST CONTROL BOARD  
DEPARTMENT OF PESTICIDE REGULATION  
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

Case No. 2012-59

**BLACK J EXTERMINATING CORP;**  
**RICHARD GASKILL, QUALIFYING**  
**MANAGER, HERNANDO BARRIOS,**  
**PRESIDENT AND QUALIFYING**  
**MANAGER, JULIE GUZMAN BARRIOS,**  
**TREASURER**  
402 East La Habra Blvd.  
La Habra, California 90631

**DEFAULT DECISION AND ORDER**

[Gov. Code, §11.520]

Company Registration Certificate No. PR  
2651, Br. 2 and 3

**RICHARD EUGENE GASKILL**  
402 East La Habra Blvd.  
La Habra, California 90631  
Operator's License No. OPR 6406, Br. 3,

**HERNANDO BARRIOS**  
402 East La Habra Blvd.  
La Habra, California 90631  
Operator's License No. OPR 10090, Br. 2, 3

**JULIE GUZMAN BARRIOS**  
402 East La Habra Blvd.  
La Habra, California 90631  
Field Representative License No. FR 33083,  
Br. 3

Respondents.

**FINDINGS OF FACT**

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2       1.     On or about June 19, 2012, Complainant William H. Douglas, in his official capacity  
3 as the Interim Executive Officer of the Structural Pest Control Board, Department of Pesticide  
4 Regulation, filed Accusation No. 2012-59 against Black J. Exterminating Corp.; Richard Gaskill,  
5 Qualifying Manager; Hernando Barrios, President and Qualifying Manager; Julie Guzman  
6 Barrios, Treasurer (Respondents) before the Structural Pest Control Board. (Accusation attached  
7 as Exhibit A.)

8           **Black J. Exterminating Corp.**

9       2.     On or about November 23, 1994, the Board issued Company Registration Certificate  
10 Number PR 2651 in Branch 3 to Black J. Exterminating Corp. ("Respondent Black J. or  
11 Respondents") with Irene Guzman as President and Secretary, Julie Ann Guzman as Chief  
12 Financial Officer and Edward Count Lincoln as Qualifying Manager. On or about July 16, 1998,  
13 Company Registration Certificate Number PR 2651 reflected a change of Branch 3 Qualifying  
14 Manager to Richard Eugene Gaskill ("Respondents or Respondent Gaskill"). On or about  
15 September 15, 1999, Company Registration Certificate Number PR 2651 was upgraded to include  
16 Branches 2 and 3 with Hernando Barrios ("Respondents or Respondent Hernando Barrios") as  
17 Branch 2 Qualifying Manager. On or about November 29, 2010, Company Registration  
18 Certificate Number PR 2651 reflected the disassociation of Respondent Gaskill as Branch 3  
19 Qualifying Manager due to cancellation of Operator's License No. OPR 6406 and Company  
20 Registration Certificate Number PR 2651 was downgraded to include Branch 2 only. On or about  
21 December 31, 2010, Company Registration Certificate Number PR 2651 was upgraded to include  
22 Branches 2 and 3 with Respondent Hernando Barrios as Branch 2 and 3 Qualifying Manager. On  
23 or about June 27, 2011, Company Registration Certificate Number PR 2651 reflected a change of  
24 corporate officers to Julie Guzman Barrios ("Respondents or Respondent Guzman Barrios") as  
25 Chief Financial Officer and Hernando Barrios as Chief Executive Officer. On or about November  
26 1, 2011, Company Registration Certificate Number PR 2651 reflected the disassociation of  
27 Hernando Barrios as Branch 2 and 3 Qualifying Manager due to the cancellation of Operator's  
28 License No. OPR 10090. On or about April 5, 2012, Company Registration No. PR 2651 was

1 suspended for failure to maintain a surety bond in the amount of \$4000 as required by section  
2 8697 of the Business and Professions Code. The registration is currently suspended for lack of a  
3 qualifying manager and/or failure to maintain a surety bond.

4 **Richard Eugene Gaskill**

5 3. On or about April 10, 1981, the Board issued Operator's License Number OPR 6406  
6 in Branch 3 to Respondent Gaskill, qualifying manager of Black J. Exterminating Corp. On or  
7 about November 29, 2010, Respondent's operator's license was cancelled due to the failure to  
8 renew the license and the failure to reimburse the Board payment of \$911.00.

9 **Hernando Barrios**

10 4. On or about September 15, 1999, the Board issued Operator's License Number OPR  
11 10090 in Branch 2 to Respondent Barrios, qualifying manager of Black J. Exterminating Corp.  
12 On or about October 28, 2002, Operator's license No. OPR 10090 was upgraded to include  
13 Branches 2 and 3. On or about December 31, 2010, Operator's license No. OPR 10090 became  
14 the Branch 3 Qualifying Manager of Black J. Exterminating Corp. On or about June 27, 2011,  
15 Operator's license No. OPR 10090 became the Chief Executive Officer of Black J. Exterminating  
16 Corp. Operator's license No. OPR 10090 expired on June 30, 2011 and has not been renewed.

17 **Julie Guzman Barrios**

18 5. On or about January 29, 2001, the Board issued Field Representative License No.  
19 33083 in Branch 3 to Respondent Guzman Barrios. Field Representative License No. 33083  
20 expired on June 30, 2012, and has not been renewed.

21 6. On or about September 4, 2012, Respondents were served by Certified and First Class  
22 Mail copies of the Accusation No. 2012-59, Statement to Respondent, Notice of Defense, Request  
23 for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and  
24 11507.7) at Respondents' address of record which, pursuant to Business and Professions Code  
25 section 136, is required to be reported and maintained with the Board. Respondents' address of  
26 record was and is: 402 East La Habra Blvd., La Habra, CA 90631.

1           7. Service of the Accusation was effective as a matter of law under the provisions of  
2 Government Code section 11505, subdivision (c) and/or Business & Professions Code section  
3 124.

4           8. On or about October 11, 2012, the aforementioned documents were returned by the  
5 U.S. Postal Service marked "Unclaimed."

6           9. Government Code section 11506 states, in pertinent part:

7           (c) The respondent shall be entitled to a hearing on the merits if the respondent  
8 files a notice of defense, and the notice shall be deemed a specific denial of all parts  
9 of the accusation not expressly admitted. Failure to file a notice of defense shall  
constitute a waiver of respondent's right to a hearing, but the agency in its discretion  
may nevertheless grant a hearing.

10          10. Respondents failed to file a Notice of Defense within 15 days after service upon them  
11 of the Accusation, and therefore waived their right to a hearing on the merits of Accusation No.  
12 2012-59.

13          11. California Government Code section 11520 states, in pertinent part:

14          (a) If the respondent either fails to file a notice of defense or to appear at the  
15 hearing, the agency may take action based upon the respondent's express admissions  
16 or upon other evidence and affidavits may be used as evidence without any notice to  
respondent.

17          12. Pursuant to its authority under Government Code section 11520, the Board finds  
18 Respondents' are in default. The Board will take action without further hearing and, based on the  
19 relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as  
20 taking official notice of all the investigatory reports, exhibits and statements contained therein on  
21 file at the Board's offices regarding the allegations contained in Accusation No. 2012-59, finds  
22 that the charges and allegations in Accusation No. 2012-59, are separately and severally, found to  
23 be true and correct by clear and convincing evidence.

24          13. Taking official notice of its own internal records, pursuant to Business and  
25 Professions Code section 125.3, it is hereby determined that the reasonable costs for Investigation  
26 and Enforcement is three thousand two hundred twenty-two dollars (\$3,222.00) as of November  
27 14, 2012.

**DETERMINATION OF ISSUES**

1  
2 1. Based on the foregoing findings of fact, Respondents Black J. Exterminating Corp.;  
3 Richard Gaskill, Hernando Barrios, Julie Guzman Barrios have subjected its Company  
4 Registration Certificate No. PR 2651 to discipline.

5 2. The agency has jurisdiction to adjudicate this case by default.

6 3. The Structural Pest Control Board is authorized to revoke Respondents' Company  
7 Registration Certificate based upon the following violations alleged in the Accusation which are  
8 supported by the evidence contained in the Default Decision Evidence Packet in this case:

9 a. Failure to Comply with Citation and Order of Abatement - Respondents are all  
10 subject to disciplinary action pursuant to Code sections 125.9, subsection (5), and 8641 and  
11 California Code of Regulations, regulation 1920 subsection (d) in that Respondents have failed to  
12 comply with Citation Nos. CF 06-25, CF 11-29, and CF 12-56 as further set forth in the  
13 Accusation.

**ORDER**


14  
15 IT IS SO ORDERED that Company Registration Certificate No. PR 2651, Br. 2, 3;  
16 Operator's License No. OPR 6406, Br.3; Operator's License No. OPR 10090, Br. 2, 3; and Field  
17 Representative License No. FR 33083, Br. 3, heretofore issued to Respondents Black J.  
18 Exterminating Corp.; Richard Gaskill, Hernando Barrios, and Julie Guzman Barrios, are revoked.

19 Pursuant to Government Code section 11520, subdivision (c), Respondents may serve a  
20 written motion requesting that the Decision be vacated and stating the grounds relied on within  
21 seven (7) days after service of the Decision on Respondents. The agency in its discretion may  
22 vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

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This Decision shall become effective on January 5, 2013.

It is so ORDERED December 6, 2012

  
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FOR THE STRUCTURAL PEST CONTROL  
BOARD  
DEPARTMENT OF PESTICIDE REGULATION

51192611.DOC  
DOJ Matter ID:LA2012506907

Attachment:  
Exhibit A: Accusation